

# Exhibit C

# Holland & Knight

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September 18, 2018

## VIA FEDEX and FAX

Director  
Office of Information Programs and Services  
U. S. Department of State  
State Annex 2 (SA-2)  
515 22<sup>nd</sup> Street, NW,  
Washington, DC 20522-8100

FAX: (202) 261-8571

Re: Appeal of Freedom of Information Act -- Request for *EXPEDITIOUS HANDLING*

Request of F-1 Nonimmigrant Visa Refusal Statistics by Post and Nationality for FY 2018, 2017, 2016, and 2015

Dear Sir or Madam:

On behalf of my client, Shorelight Education, a leading education company focused on providing educational experiences for international students, we are respectfully filing an appeal of denial of expedited processing of a Freedom of Information Act request (dated August 28, 2018) seeking public information that is possessed by the State Department, but is not specifically provided to the public in the State Department's non-immigrant visa statistics.

Specifically, we seek the following information/data:

1. Each year, the State Department publicly releases a document that is titled as: "ADJUSTED REFUSAL RATE - B-VISAS ONLY BY NATIONALITY"

See <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/RefusalRates/FY17.pdf>.

We seek the exact same statistics, in the exact same format, but for F-1 student visas. In other words, the numbers that would be provided would be for F-1 Student Visas instead of for B-visitor visas. We seek these statistics for Fiscal Year 2018 (year-to-date), FY 2017, FY 2016, and FY 2015.

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2. Alternatively, if the data in Request Number 1 cannot be provided—and a lawful explanation is provided as to why this data cannot be provided—we respectfully ask that the State Department then refer to the annual document it publicly releases titled: “Worldwide NIV Workload by Visa Category FY 2017.”  
See <https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVWorkload/FY2017NIVWorkloadbyVisaCategory.pdf>.

We would respectfully ask that the State Department then simply disaggregate the “refused” data contained within this document so that it can provide, and make publicly available, by post and nationality, the total number of F-1 student visas that were counted as “refused.” As you can see in the linked document below, the State Department already disaggregates the number of F-1 student visas “issued” by post and nationality, but does not similarly disaggregate the number of “refused” F-1 student visas by post and nationality.  
<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics/monthly-nonimmigrant-visa-issuances.html>

We seek these “refusal” statistics for F-1 student visas for Fiscal Year 2018 (year-to-date), FY 2017, FY 2016 and FY 2015. Again, we simply seek data that disaggregates the numbers already contained and publicly reported in the “refused” column so that those numbers can be understood by post and nationality.

## II. Compelling Need Justifying Expeditious Handling

There are four compelling reasons justifying expeditious processing of this request:

- First – As Shorelight Education attempts to educate members of Congress about the importance of the student visa system, Congressional members and staff consistently ask about whether the denial rate for student visas is increasing or decreasing. As this information is not currently publicly available, it is impossible to answer these questions.
- Second – Members of the media have inquired with Shorelight Education as to whether the denial rate for student visas is increasing or decreasing. As this information is not currently publicly available, it is impossible to answer these questions.
- Third - Substantial economic concerns of colleges and universities in the United States are implicated by the failure to process this FOIA request immediately. Universities across the United States require this information quickly so that they may better understand the changing landscape of the international student visa adjudication process and to make multi-million dollar decisions about which international students to invest-in and recruit from around the world. This data is critical to preventing schools from wasting millions of dollars to recruit students from areas where they are statistically less likely to obtain visas.

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- Fourth – This information is clearly and readily available to the State Department and is very easy to obtain and disseminate. The State Department already publishes how many F-1 visas it refuses each year, and it also publishes how many F-1 visas it is issuing monthly by post and nationality. We simply seek data that disaggregates the numbers already contained and publicly reported in the “refused” column so that those numbers can be understood by post and nationality.

#### IV. Payment of Fees

Undersigned counsel consents to, and is prepared to pay, all fees that are necessary to obtain any and all documents responsive to the requests above.

Please feel free to contact the undersigned at (202)469-5129 or by email at [leon.fresco@hklaw.com](mailto:leon.fresco@hklaw.com) should there be any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo Fresco", with a stylized flourish at the end.

Leon Fresco

Enclosures